
TITLE 326 AIR POLLUTION CONTROL DIVISION

IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES

LSA Document #23-80

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The listed rules establish requirements to implement the Clean Air Act (CAA). The CAA authorizes comprehensive federal and state regulations to limit air pollution. These rules have been incorporated into the Indiana State Implementation Plan and are federally enforceable. These rules are authorized under [IC 13-17-3-4](#) and [IC 13-17-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in [326 IAC](#) that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

326 IAC 2-6-1	Applicability
326 IAC 2-9-1	General provisions
326 IAC 2-10-2.1	Definitions
326 IAC 2-10-3.1	Conditions
326 IAC 2-10-4.1	Demonstration of compliance
326 IAC 2-10-5.1	Compliance with other provisions
326 IAC 2-10-6.1	Enforcement
326 IAC 2-11-3	Grain elevators
326 IAC 2-11-4	Grain processing or milling
326 IAC 8-14	Architectural and Industrial Maintenance (AIM) Coatings
326 IAC 8-15	Standards for Consumer and Commercial Products

LIST OF EXEMPT RULES

There are no rules in [326 IAC](#) to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#) to list for 2023.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
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Keelyn Walsh

Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

(2) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 14, 2023.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, kwalsh@idem.in.gov, (317) 232-8229 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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